

## SMOKE IN THE DISTRICT OF COLUMBIA, ETC.

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JUNE 23, 1898.—Referred to the House Calendar and ordered to be printed.

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Mr. CURTIS of Iowa, from the Committee on the District of Columbia, submitted the following

### REPORT.

[To accompany H. R. 5887.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 5887) for the prevention of smoke in the District of Columbia, and for other purposes, after having given a hearing to interested parties, and after careful consideration of the subject, report the bill back to the House with the recommendation that it do pass with the following amendments:

Page 1, section 1, lines 3 and 4, strike out the word "from" where it appears after the word "that" and insert in lieu thereof the word "on" in line 3, and strike out after the word "after" the following in lines 3 and 4: "January first, eighteen hundred and ninety-nine," and insert in lieu thereof the following: "six months from the passage of this act."

Page 1, section 2, line 1, strike out the word "and" and insert in lieu thereof the word "or."

Page 1, section 2, lines 2 and 3, strike out the following: "or any person or persons having charge or control of any stationary steam boiler, engine, or furnace."

Also strike out the comma where it appears after the word "building" in line 2.

The draft of this bill was submitted by, and early enactment into law urged by, the Commissioners of the District of Columbia. Letters have been received from many prominent property owners and citizens of the District urging favorable consideration by this committee of the bill, a few of which are herewith incorporated as a part of this report.

WASHINGTON, D. C., June 14, 1898.

DEAR SIR: As you have no doubt observed my new building on Market space, built last fall and considered Washington's finest business building, I write this to inquire if it does not seem very unjust that my building, constructed of Indiana limestone and white brick, with terra-cotta trimmings, should form prey for the smoke from two business houses on the same block which burn soft coal; also the Center Market, located directly opposite.

While the latter has not proved such a nuisance as the former, it has done some very great damage, and if these buildings are allowed to continue with their outpour of smoke and soot, the appearance of my building will be ruined.

There are times in the day when the sidewalk in front of my store is just covered with soot, and the smoke so bad that I am compelled to lower the windows to keep my stock from being ruined by the smoke and soot from the buildings on each side.

I have inquired, and find that there is no law in the District that can stop this annoyance. Still, in the city of New York no one is allowed to burn soft coal, and all soot nuisances are compelled to use smoke consumers.

By giving this your very early and kind attention, you will very much oblige  
Yours, respectfully,

EMMONS S. SMITH.

Hon. J. W. BABCOCK,  
*Chairman of District Committee.*

WASHINGTON, May 4, 1893.

DEAR SIR: I understand you are going to introduce a bill to do away with the objectionable black smoke that is disfiguring our beautiful city. You will confer a great favor on the residents if you would submit it without delay. The smoke from the Raleigh Hotel, if allowed to continue, will just ruin the looks of our fine post-office building; also the smoke from several of the large hotels and office buildings is a menace to the public health of the city.

Trusting you will get the bill through soon as possible and stop the nuisance,  
Yours, very respectfully,

E. G. HITCHCOCK.

Congressman J. W. BABCOCK,  
*House of Representatives.*

In response to the request of your committee, copies of ordinances in force in the principal cities of this country have been received, and a majority of which are of practically the same character as the proposed legislation.

Your committee incorporates as a part of its report copies of laws relating to the prevention of smoke in a number of cities in the United States from which responses have been received.

*Copy of ordinances, etc., relating to smoke prevention in various cities.*

NEW YORK CITY, N. Y.

Section 134 of the health board's ordinances, which covers the matter, provides:

"SEC. 134. That the owners, lessees, tenants, and managers of every blacksmith or other shop, forge, coal yard, foundry, manufactory, and premises where any business is done, or in or upon which an engine or boilers are used, shall cause all ashes, cinders, rubbish, dirt, and refuse to be removed to some proper place, so that the same shall not accumulate at any of the above-mentioned premises, or in the appurtenances thereof, nor the same become filthy or offensive. Nor shall any smoke, cinders, dust, gas, steam, or offensive odor be allowed to escape from any such building, place, or premises, to the detriment or annoyance of any person not being therein or thereupon engaged, and that every furnace employed in the working of engines by steam, or in any mill, factory, printing house, dye factory, iron foundry, glass-house, distillery, brewhouse, sugar refinery, bakehouse, gas works, or in any other buildings used for the purpose of trade or manufacture, shall be so constructed as to consume or burn the smoke arising therefrom, unless a permit to the contrary be obtained from this department."

CHICAGO, ILL.

SEC. 1650. The emission of dense smoke from the smokestack of any boat or locomotive, or from any chimney anywhere within the city, shall be deemed, and is hereby declared to be, a public nuisance: *Provided*, That chimneys of buildings used exclusively for private residences shall not be deemed within the provisions of this ordinance.

SEC. 1651. The owner or owners of any boat or locomotive engine, and the person or persons employed as engineer or otherwise in the working of the engine or engines in said boat, or in operating such locomotive, and the proprietor, lessee, or occupant of any building who shall permit or allow dense smoke to issue or be emitted from the smokestack of any such boat or locomotive, or the chimney of any building within the corporate limits, shall be deemed and held guilty of creating a nuisance, and shall, for every such offense, be fined in a sum not less than five dollars nor more than fifty dollars.

SEC. 1652. It shall be the duty of the commissioner of health and supt. of police to cause sections 1650 and 1651 of this article to be in force, and to make complaint against and cause to be prosecuted all persons violating the same. (See *Harmon v. City of Chicago*, 110 Ill. Rep., p. 400.) These sections will be enforced. \* \* \*

#### PITTSBURG, PA.

**AN ORDINANCE** To regulate and suppress the production and emission of smoke from bituminous coal, and to provide penalties for the violation thereof in the city of Pittsburg.

SECTION 1. Be it ordained and enacted by the city of Pittsburg in select and common councils assembled, and it is hereby ordained and enacted by the authority of the same, that and from October 1, 1895, the emission of more than 20 per cent of black or dark gray smoke from any chimney or smokestack where bituminous coal is used as fuel in connection with boilers for heating and power purposes shall be deemed and is hereby declared to be a public nuisance.

SEC. 2. That it shall be unlawful for any corporation, copartnership, or individual owning, controlling, or using any chimney or smokestack used in connection with boilers within the city limits, as provided in section 1, to allow, suffer, or permit smoke from bituminous coal to be emitted or to escape therefrom.

SEC. 3. Any corporation, copartnership, or individual who shall or may allow, suffer, or permit smoke from bituminous coal to be emitted or to escape from any chimney or smokestack used in connection with boilers for over three minutes' duration at any one time, shall, in addition to any and all law requiring the abatement of nuisances, forfeit and pay to the city of Pittsburg for every such offense a sum not less than ten dollars or more than fifty dollars, to be recovered before any alderman of the county of Allegheny or any police magistrate of the city of Pittsburg as debts of like amounts are now recoverable.

SEC. 4. No discrimination shall be made against any device or method which may be used which will accomplish the purpose of this ordinance in relation to the said matter.

SEC. 5. The director of the department of public works of the city of Pittsburg is hereby empowered and directed to enforce the provisions of this ordinance.

SEC. 6. That any ordinance or part of ordinance conflicting with the provisions of this ordinance be, and the same is hereby, repealed so far the same affects this ordinance.

Passed in councils May 13, 1895.

#### MINNEAPOLIS, MINN.

**AN ORDINANCE** Amending an ordinance entitled "An ordinance declaring the emission of dense smoke within the city of Minneapolis a public nuisance, and prohibiting the same," approved February 16, 1894.

The city council of the city of Minneapolis do ordain as follows:

SECTION 1. That an ordinance entitled "An ordinance declaring the emission of dense smoke within the city of Minneapolis a public nuisance, and prohibiting the same," approved February 16, 1894, be, and the same is hereby, amended so as to read as follows:

"SEC. 1. The emission of dense smoke from the smokestack of any locomotive or engine, or from the smokestack of any stationary engine, or from the smokestack or chimney of any building anywhere within the city of Minneapolis shall be deemed, and is hereby declared, to be a public nuisance and is hereby prohibited.

"SEC. 2. The owner or owners of any locomotive engine, and the general manager, superintendent, yard master, or other officer of any railroad company having charge or control of the operation of any locomotive engine, and the person or persons employed as engineer and fireman in operating such locomotive engine, who shall cause, permit, or allow dense smoke to issue or be emitted from the smokestack of any such locomotive engine within the city of Minneapolis, shall be deemed and held guilty of creating a public nuisance and of violating the provisions of this ordinance.

"SEC. 3. The owner, lessee, or occupant of any building, and the fireman, engineer, or any other person having charge or control of any furnace or stationary engine,

who shall cause, permit, or allow dense smoke to issue or be emitted from the smokestack or chimney of any such building, or from the smokestack or chimney connected with any such furnace or stationary engine within the city of Minneapolis, shall be deemed and held guilty of creating a public nuisance and of violating the provisions of this ordinance.

"SEC. 4. Any person or persons violating the provisions of this ordinance shall, upon conviction thereof before the municipal court of said city, for every such offense be punished by a fine of not exceeding one hundred dollars, and may be imprisoned until such fine is paid, not exceeding ninety days.

"SEC. 5. It shall be the duty of the commissioner of health and superintendent of police to cause this ordinance to be enforced and to cause to be prosecuted all persons violating the same."

SEC. 2. This ordinance shall take effect and be in force from and after its publication.

Passed September 25, 1895.

#### MILWAUKEE, WIS.

To prohibit the emission of dense smoke from the smokestack of any boat or locomotive, or from any chimney within the limits of the city of Milwaukee.

The mayor and common council of the city of Milwaukee do ordain as follows:

SEC. 1. The emission of dense smoke from the smokestack of any boat or locomotive or from any chimney or smokestack anywhere within the limits of the city of Milwaukee shall, from and after the date when the provisions of this section shall take effect, be deemed, and is hereby declared to be, a nuisance, provided that chimneys of buildings used exclusively for private residences shall not be deemed within the provisions of this ordinance.

SEC. 2. The owner or owners of any boat or locomotive engine and the person or persons employed as engineer or otherwise in the working of the engine or engines in said boat, or in operating such locomotive, and the owner, lessee, or occupant of any building who shall permit or allow dense smoke to issue or be emitted from the smokestack of any chimney or smokestack within the said limits, shall be deemed guilty of creating a nuisance, and shall for every such offense be fined not less than five dollars nor more than fifty dollars, or punished by imprisonment in the house of correction for not more than sixty days. Every day which said nuisance shall continue shall be deemed a separate offense.

SEC. 3. Hereafter, before approving plans and specifications for the erection of any business building or factory within the limits aforesaid, it shall be the duty of the inspector of buildings of the city of Milwaukee to see that proper provision is made in said plans and specifications to prevent the emission of dense smoke from the chimney of said building.

SEC. 4. It shall be the duty of the commissioner of health and the chief of police to cause section 2 of this ordinance to be enforced, and to cause complaint to be made against all persons violating the same.

SEC. 5. This ordinance shall take effect and be in force from and after the first day of January, A. D. 1898, except that the provisions of section three thereof shall be in force from and after its publication. Passed February 3, 1896.

#### LOUISVILLE, KY.

The mayor writes that, "Unfortunately, this city suffers greatly from the smoke nuisance, an evil which we hope to have abated in a very short time."

#### INDIANAPOLIS, IND.

[General Ordinance No. 62, 1896.]

AN ORDINANCE Declaring the emission of dense smoke from smokestacks or chimneys of any building, except the private residences, within the city of Indianapolis to be a public nuisance and prohibiting the same; defining the duties of the building inspector with reference thereto; providing a penalty for the violation thereof and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the common council of the city of Indianapolis that the emission of dense smoke from the smokestack or chimney of any building within the corporate limits of the city of Indianapolis, exclusive of private residences, shall be deemed and is hereby declared to be a public nuisance.

SEC. 2. The owner or owners, lessee or occupant, of any building who shall permit or allow any dense smoke to issue or to be emitted from the smokestack or chimney of any building within the corporate limits shall be guilty of creating a nuisance, and the building inspector of the city of Indianapolis, upon information filed with him, shall serve upon any such owner, owners, lessee, or occupant notice to abate said



nuisance within ten days' time after the service of such notice, and upon the failure to so abate said nuisance within said time, upon affidavit being filed by the building inspector before the police judge of the city of Indianapolis, said owner, owners, lessee, or occupant shall be deemed and held guilty of willfully creating a nuisance, and shall for every such offense be fined in any sum not less than \$1 nor more than \$25, and each day's continuance of such nuisance after the expiration of said ten days' notice shall be considered a separate offense.

SEC. 3. This ordinance shall be in full force and effect from and after its passage and publication once a week for two consecutive weeks in *The Sun*, a daily newspaper of general circulation, printed and published in the city of Indianapolis, Ind.

Passed by the common council March 15, 1897.



